

Ordinance

Amending the Code of Ordinances for the City of Baton Rouge and Parish of East Baton Rouge, enacting Chapter 8, Transportation Network Services, Title 10, Transportation so as to define transportation network services, applications, companies, and operators and to create registration provisions for operators, to require background checks for operators, to prohibit street hails by operators, to require transportation network application companies to conduct background checks, inspect vehicles, establish zero tolerance policies for drugs and alcohol, and to provide for other related matters.

WHEREAS, there is a need in East Baton Rouge Parish for innovative transportation solutions for the citizens of East Baton Rouge Parish, and

WHEREAS, East Baton Rouge Parish citizens and visitors deserve choices in transportation, and

WHEREAS, the progression of technology has allowed for innovations in transportation that allow for safe and affordable transportation options, and

WHEREAS, the Metropolitan Council desires to regulate the area of transportation network services in order to allow for the availability of transportation solutions to the citizens and visitors of East Baton Rouge Parish and to provide for public protections relative to those services.

NOW THEREFORE BE IT ORDAINED by the Metropolitan Council for the City of Baton Rouge and Parish of East Baton Rouge:

Section 1. The Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended to enact Chapter 8, Transportation Network Services, of Title 10, Transportation as follows:

Chapter 8: Transportation Network Services

Sec. 10:600. Definitions.

The following words and phrases, when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

"Transportation network application company" shall mean a company operating in the City of Baton Rouge and Parish of East Baton Rouge that uses a digital network or software application to connect a passenger to transportation network services provided by a transportation network operator.

"Transportation network operator" shall mean an individual who operates a motor vehicle that is:

- (A) Owned or leased by the individual;
- (B) Not licensed as a public vehicle-for-hire under section 10:201 et seq. of this Code of Ordinances, and
- (C) Used to provide transportation network services.

"Transportation network services" shall mean transportation of a passenger between points chosen by the passenger and that is prearranged by a transportation network application company.

10:601. Registration.

(a) An individual may submit an application to a transportation network application company for registration as a transportation network operator.

(b) A transportation network application company shall approve or deny an application submitted under subsection (a) of this section within 60 days after the application has been submitted.

(c) Before approving an application submitted under subsection (a) of this section, a transportation network company shall:

(1) Conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include:

(A) Multi-State/Juris Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and

(B) National Sex Offender Registry database; and

(2) Conduct, or have a third party conduct, a driving record check for each applicant.

(d) A transportation network application company shall not approve an application submitted under subsection (a) of this section and shall permanently disqualify an applicant who:

(1) As shown in the local or national criminal background check required under subsection (c)(1) of this section, has been convicted within the past 7 years of:

(A) An offense defined under Offenses Against the Person under Title 14, Chapter 1, Part II of the Louisiana Revised Statutes (La. R.S. 14:31 et seq.).

(B) An offense defined as under Offenses Affecting the Public Morals under Title 14, Chapter 1, Part V of the Louisiana Revised Statutes (La. R.S. 14:80 et seq.).

(C) An offense defined under Offenses Against Property under Title 14, Chapter 1, Part III of the Louisiana Revised Statutes (La. R.S. 14:51 et seq.).

(D) An offense under the law of any state, under federal law, or under the law of any other jurisdiction, which involved conduct that would constitute an offense described in subparagraphs (A) through (C) of this paragraph if committed in the State of Louisiana;

(2) Is a match in the National Sex Offender Registry database;

(3) As shown in the driving record check required under subsection (c)(2) of this section, has been convicted within the past 7 years of:

(A) Any offense defined under Driving Offenses under Title 14, Chapter 1, Part VI, subpart 3 (La. R.S. 14:98 et seq.).

(B) Fleeing from a law enforcement officer under La. R.S. 14:108.1.

(C) Negligent homicide under La. R.S. 14:32.

(D) Vehicular homicide under La. R.S. 14:32.1.

(E) An offense under the law of any state, under federal law, or under the law of any other jurisdiction, which involved conduct that would constitute an offense described in subparagraphs (A) through (F) of this paragraph if committed in the State of Louisiana; or

(4) As shown in the driving record check required under subsection (c)(2) of this section, has been convicted within the past three years for driving with a suspended or revoked license under La. R.S. 32:415.

(e). A Transportation Network Application Company shall transmit a per vehicle fee of \$75.00 to the City-Parish Department of Finance for each vehicle it registers to operate in East Baton Rouge Parish.

10:602. Requirements for transportation network application companies.

(a) A transportation network application company shall:

(1) Create an application process for a person to apply for registration as a transportation network operator;

(2) Maintain a current registry of the transportation network application company's transportation network operators;

(3) Provide the following information on its website:

(A) The transportation network application company's customer service telephone number and electronic mail address;

(B) The transportation network application company's zero tolerance policy established under paragraph (9) of this section;

(C) The procedure for reporting a complaint about an individual who a passenger suspects violated the zero tolerance policy under paragraph (8) of this section; and

(D) A complaint electronic mail address for the Taxicab Control Board for the City of Baton Rouge and Parish of East Baton Rouge;

(4) Conduct, or have a third party conduct, a safety and general appearance inspection of the motor vehicle that a transportation network operator will use before the motor vehicle may be used to provide transportation network services.

(A) Such safety inspection shall cover brakes, windshield, lights, steering, pollution control devices, tires, and suspension.

(B) Such general appearance inspection of the vehicle shall include cover the exterior of each vehicle, ensuring the vehicle is free of gross damage (dents larger than six inches in any direction) and that the vehicles has factory-finish grade paint.

(C) The general appearance inspection shall further include an interior inspection of each vehicle to ensure the vehicle interior is maintained in a reasonable condition, including door panels, arm rest, floor covering and seats that are free of holes, snags and soiled spots.

(5) Establish a uniform logo, insignia, decal or trade dress for use on a motor vehicle at any time a motor vehicle is providing or arranging to provide transportation network services;

(6) Maintain a commercial liability insurance policy that:

(A) Provides coverage of at least \$1,000,000 per incident for accidents involving a transportation network operator from the time the operator accepts a trip request until the completion of a trip, regardless of whether the operator maintains personal insurance adequate to cover any portion of a claim;

(B) Provides uninsured/underinsured motorist bodily injury coverage of at least \$1,000,000 per incident;

(C) During the time that a transportation network operator is available for service but not providing service, provides additional bodily injury coverage of at least \$50,000 per person and at least \$100,000 per accident, and coverage of at least \$25,000 for property damage per accident, in the event that the operator's personal insurance policy does not pay.

(D) Provides that written notice shall be given the Taxicab Control Board upon any cancellation or termination of the policy.

(7) Establish a zero tolerance policy on the use of drugs or alcohol while transportation network operator is arranging to provide or is providing transportation network services;

(8) Immediately suspend a transportation network operator upon receiving a passenger complaint alleging that the operator violated the zero tolerance policy. Such suspension shall last the duration of the investigation;

(9) Conduct an investigation when a passenger alleges that an operator violated the zero tolerance policy required by paragraph (9);

(10) Maintain records relevant to the requirements of this section for the purposes of enforcement; and

(11) Before doing business in East Baton Rouge Parish, submit an application for a permit to the Taxicab Control Board for the City of Baton Rouge and Parish of East Baton Rouge that must include:

(A) Proof that the company is licensed to do business in East Baton Rouge Parish and the State of Louisiana;

(B) Proof that the company maintains a registered agent in East Baton Rouge Parish;

(C) Proof that the company maintains a website that includes the information required by paragraph (3) of this section;

(D) Proof that the company has established a uniform logo, insignia, decal, or trade dress required by paragraph (5) of this section; and

(E) A certification under penalty of perjury that the company has complied with the requirements of this ordinance, including, but not limited to the registration requirements for transportation network operators.

(F) Proof of the required insurance under Section 10:602(a)(6), naming the City of Baton Rouge-Parish of East Baton Rouge Taxicab Control Board as certificate holder.

(G) A registration fee of \$250.00 payable to the City of Baton Rouge and Parish of East Baton Rouge

(b) A transportation network application company shall not provide personal information about a passenger to a transportation network operator, including a passenger's full name, email address, or telephone number.

(c) A transportation network application company shall transmit a quarterly report to Taxicab Control Board in the care of the City-Parish Department of Finance that provides an accounting of the number of vehicles it has registered to operate in East Baton Rouge Parish.

(d) A transportation network application company shall transmit a \$250.00 annual permit fee to the Taxicab Control Board in the care of the City-Parish Department of Finance, due on or before January 15th of each year.

10:603. Requirements for transportation network operators.

(a) A transportation network operator shall:

(1) Exclusively accept rides booked through a transportation network application company's digital platform and shall not solicit or accept street-hails;

(2) Use the required logo, insignia, or trade dress required by section 10:602 (a) (5) of this chapter at any time that the operator uses his or her motor vehicle to provide or is arranging to provide transportation network service;

(3) Possess a valid driver's license;

(4) Possess proof of registration for the motor vehicle used for transportation network services;

(5) Possess proof of motor vehicle insurance for the motor vehicle used for transportation network services; and

(6) Be at least 21 years of age.

(b) If an accident occurs involving a motor vehicle that is being used for transportation network services, including when the transportation network operator is logged into or otherwise using the software application or network, the transportation network operator shall provide proof of:

(1) The operator's personal auto liability insurance; and

(2) The Transportation Network Application Company's excess liability coverage; provided, that a transportation network operator shall have 24 hours to provide proof of excess liability coverage.

10:604. Charges.

(a) A transportation network application company may offer service at no-charge, suggest a donation, or charge a fare; provided, that if a fare is charged, a transportation network application company shall disclose the fare calculation method, the applicable rates being charged, and the option for an estimated fare to a passenger before the passenger arranges a trip with the transportation network application company.

(b) Upon completion of a trip, a transportation network company shall transmit an electronic receipt to the passenger's electronic mail address or mobile application that lists:

- (A) The origin and destination of the trip;
- (B) The total time and distance of the trip; and
- (C) A breakdown of the total fare paid, if any.

10:605. Enforcement.

(a) Upon submission of the required permit application in compliance with Section 10:602 (a)(11), the Taxicab Control Board shall issue a permit to a transportation network services company.

(b) The Taxicab Control Board for the City of Baton Rouge and Parish of East Baton Rouge shall have the authority to enforce the requirements of this ordinance, including through inspection of relevant records; provided, that any records disclosed to the City-Parish that are otherwise exempt from the definition of a Public Record under the Louisiana Public Records Act shall not be disclosed to third parties.

(c) Failure to adhere to the requirements of this section by a transportation network application company or operator may result in sanction or revocation of its permit by the Taxicab Control Board including fines and other penalties, pursuant to its authority.

(d) Except for the rules and regulations necessary to enforce the provisions of this chapter, transportation network application companies, operators, and services shall be exempt from regulation by the Taxicab Control Board including any rules or regulations requiring a transportation network company to:

- (1) Collect or transmit data or information about a customer or a customer's trip to the Commission; or

(2) Provide the Taxicab Control Board with a list or inventory of drivers or vehicles that are associated with a transportation network application company.

Section 10:606. Requirements for operation at Baton Rouge Metropolitan Airport Transportation Network Services and/or Transportation Network Operators cannot operate at the Baton Rouge Metropolitan Airport unless specifically authorized to do so by the Greater Baton Rouge Airport District.

Section 2. This Ordinance shall be effective _____.

Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.